

City of Newport Beach

Local Coastal Program

Implementation Plan Certification

Phase II



California Coastal Commission

Local Coastal Program Assistance Grant Program

June 30, 2014

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Applicant Information

Applicant name (organization): City of Newport Beach

Project Information

Project title (start with name of city or county): Newport Beach LCP Implementation Plan Certification Phase II

LCP/ LCP Segment: Newport Beach

Project location: **City / Geographic area:** Newport Beach **County:** Orange

Project timeline: **Start date:** February 2015 **End date:** November 2016

Amount of Grant Proposal: \$87,540

Project Description

The project will cover the second phase of the certification of the City of Newport Beach Local Coastal Program (LCP) Implementation Plan. Phase I began in 2012, and involved formation of General Plan/Local Coastal Program Implementation Committee to provide oversight and direction to City staff and the preparation of the Administrative Draft Implementation Plan in consultation with California Coastal Commission staff. Phase II involves community outreach, local public hearings, and submittal the Implementation Plan to the California Coastal Commission (CCC). Full certification of the LCP transfers coastal development permit authority to the City, which will result in a significant reduction in CCC staff workload. Currently, CCC staff processes approximately 70 to 100 coastal development permit applications from the City of Newport Beach each year.

Introduction

Although the City of Newport Beach has had a certified land use plan since 1982, full certification of the entire LCP has been not occurred. This is due, in part, to the complexity of the Newport Beach's Coastal Zone. Although the City's land area is less than twenty-four (24) square miles, Newport Beach has over forty-five (45) miles of shoreline. The shorelines range from the sandy beaches of West Newport and the Balboa Peninsula, to the rocky intertidal platform reefs of Corona del Mar, to the bulkheads of Newport Harbor, to the estuarine wetlands of the Upper Newport Bay and Semeniuk Slough. Likewise, Newport Beach's unique physical setting also provides a variety of terrestrial and marine habitats and natural landforms. These include balancing the protection of these resources with provision of public access and recreational opportunities, while respecting private property rights presents complex regulatory challenges.



Newport Beach's unique geography also presents administrative challenges to certification. Over half of Newport Beach's land area is in the Coastal Zone. The Coastal Zone literally divides the City; splitting residential neighborhoods and commercial districts alike.

Newport Harbor is one of the largest small craft harbors in the United States with over 9,000 boats at 2,119 commercial slips and side ties, 1,221 bay moorings, and 1,230 piers. Protecting, enhancing, and



expanding services and facilities that are essential to a working harbor in the face of real estate inflation and land use conflicts is yet another challenge to certification.

Finally, Newport Beach is a major recreational center. Beach attendance averages over 9 million annually. Recreational activities include volleyball, swimming, surfing, windsurfing, boating, sailing, kayaking, paddle boarding, parasailing, rowing diving, excursions, and fishing. Protecting, enhancing, and expanding land uses

that support these activities while protecting and serving the needs of residents presents another challenge to certification.

Addressing these unique circumstances through the certification of the LCP will require a significant commitment of time, resources, and political capital. However, once accomplished, the LCP can serve as a model for other coastal communities.

Goals and Objectives

The goal of the project is to achieve full certification of the City of Newport Beach Local Coastal Program. The specific objectives are:

- Finalize the Local Coastal Program Implementation Plan for the City of Newport Beach Certified Coastal Land Use Plan.
- Implement the Coastal Act of 1976 and that maximizes responsiveness to local conditions, accountability, and public accessibility.
- Comply with Senate Bill 516 (Chapter 11, Statutes of 2001), which requires the City of Newport Beach to obtain approval and certification from the California Coastal Commission (CCC) for the City's Local Coastal Program for all of the geographic area within the Coastal Zone and the City's corporate boundaries as of June 30, 2000.
- Provide maximum opportunities for the public and affected agencies to participate during the preparation process, approval, and certification of the Implementation Plan.

- Continue to consult and coordinate with California Coastal Commission staff during the finalization of the Implementation Plan.

Approach

At the time of grant authorization, Newport Beach will have completed the Public View Draft of the Implementation Plan.

Task 1 – Community Outreach. Task 1 will commence with the completion of the Public View Draft of the Implementation Plan. A notice of availability will be posted on the City’s website and mailed to community associations, affected governmental agencies, and any person requesting a notice. Copies of the Public View Draft of the Implementation Plan will be provided online and at the Newport Beach Civic Center and at all branches of the Newport Beach Public Library. The City will then conduct a series of community workshops to present the Implementation Plan and receive public comments. Study sessions will also be conducted before the Planning Commission, the Harbor Commission, the Parks, Beaches, and Recreation Commission, and the City Council.

Task 2A – Finalize Implementation Plan. Based on the feedback received through the community outreach process, City staff will make appropriate revisions to the Implementation Plan. This task will culminate with the preparation of the Public Hearing Draft of the Implementation Plan.

Task 2B – Continue Collaboration with CCC Staff. Task 2B will be conducted concurrently with Task 2A. It involves continuing the regular meetings with the South Coast District CCC staff, which began early in 2013. City will continue to work with CCC staff to finalize the Implementation Plan.



Task 3 – City Public Hearings. Task 3 involves the review and approval of the Public Hearing Draft of the Implementation Plan. Public hearing pursuant to the City of Newport Beach Municipal Code will be conducted before the Planning Commission and the City Council.

Task 4 – Coastal Commission Review. Following City approval, City staff will submit the Implementation Plan to the Coastal Commission for review. Given the complexity of the Implementation Plan, Task 4 provides for a time extension to allow the CCC staff a reasonable time period to review the document. During this period, City staff will continue to work with the CCC staff to resolve any outstanding issues. Task 4 will culminate with the approval of the Implementation Plan by the California Coastal Commission at a public hearing.

Task 5 – City Council Adoption. Following the transmittal of the Coastal Commission modifications to the Implementation Plan, the General Plan/Local Coastal Program Implementation Committee will review the changes and submit recommendations to the City Council. At a public hearing, the City Council will consider the Coastal Commission modifications. Task 5 will successfully culminate with the City Council approval of the modifications.

Task 6 – Certification. The City will transmit the City Council's action to the California Coastal Commission. The Executive Director will determine that the action by the City is legally adequate. The California Coastal Commission will conduct a certification review and certify the Implementation Plan.



Work Program and Schedule

Work Program

Newport Beach LCP Implementation Plan Certification Phase II	Projected Start/End Dates
Task 1. Community Outreach	
Objective: Maximize opportunities for the participation of the public and all affected governmental agencies in the preparation of the Implementation Plan	
1.1 Distribute Notice of Intent	Feb. 2015/Feb. 2015
1.2 Community Workshops	Feb. 2015/Apr. 2015
1.3 Commission/City Council Study Sessions	Apr. 2015/May 2015
Outcome/Deliverables: Feedback from the public and affected government agencies	Projected Date: June 2015
Task 2A. Finalize Implementation Plan	
Objective: Review comments received during public outreach; revise, as necessary	
Outcome/Deliverables: Public Hearing Draft Implementation Plan	Projected Date: August 2015
Task 2B. Collaborate with CCC Staff	
Objective: Early collaboration with Coastal Commission staff on key components of the Implementation Plan	
Outcome/Deliverables: Consensus on key issues	Projected Date: July 2015
Task 3. City Public Hearings	
Objective: Continue public participation process by conducting public hearings pursuant to the Municipal Code	
3.1 Planning Commission Hearings	Sept. 2015/Sept. 2015
3.2 City Council Hearings	Oct. 2015/Oct. 2015
Outcome/Deliverables: City approval of the Implementation Plan	Projected Date: Oct. 2015
Task 4. Coastal Commission Review	
Objective: Coastal Commission review of the Implementation Plan	
4.1 Application Submittal	Nov. 2015/Nov. 2015
4.2 Application Review by CCC Staff	Nov. 2015/Feb. 2016
4.3 Application Deemed Complete	Feb. 2016/Feb. 2016
4.4 IP Review by Coastal Commission Staff	Feb. 2016/May 2016
4.5 Coastal Commission Hearing(s)	June 2016/June 2016

Newport Beach LCP Implementation Plan Certification Phase II	Projected Start/End Dates
Outcome/Deliverables: Coastal Commission approval of the Implementation Plan	Projected Date: June 2016
Task 5. City Council Adoption	
Objective: City Council review and adoption of the Implementation Plan with any modifications made by the Coastal Commission	
5.1 Final Language from CCC	July 2016/July 2016
5.2 Review of CCC modifications by the GP/LCP Implementation Committee	July 2016/July 2016
5.3 Adoption of IP with CCC Modifications	August 2016/August 2016
Outcome/Deliverables: Resolution adopting the Implementation Plan as modified by the Coastal Commission	Projected Date: Aug. 2016
Task 6. Certification	
Objective: Certification of the Implementation Plan	
6.1 Transmittal of City Council Action	Aug. 2016/Aug. 2016
6.2 CCC Staff Review	Sep. 2016/Nov. 2016
6.3 Certification by CCC	Oct. 2016/Nov. 2016
Outcome/Deliverables: Certified Local Coastal Program	Projected Date: Nov. 2016

Benchmark Schedule

Activity	Completion Date
Task 1. Community Outreach	June, 2015
Task 2A. Finalize Implementation Plan	August, 2015
Task 2B. Collaborate with CCC Staff	July, 2015
Task 3. City Public Hearings	October, 2015
Task 4. Coastal Commission Review	June, 2016
Task 5. City Council Adoption	August, 2016
Task 6. Certification	November, 2016



Budget

Funding Request: \$87,540 Total Project Cost: \$175,079¹

Project Funding Resources

Task Number	Task Name	Total Cost	Allocation of total cost among all funding sources			
			Applicant's Funding ²	LCP Grant Funding	OPC SFR Grant Funding	Other Funds
1	Community Outreach	\$41,324	\$20,662	\$20,662	\$0	\$0
2A	Finalize IP	\$14,323	\$7,161	\$7,161	\$0	\$0
2B	Collaborate with CCC					
3	City Public Hearings	\$17,953	\$8,976	\$8,976	\$0	\$0
4	CCC Review	\$69,763	\$34,882	\$34,882	\$0	\$0
5	City Council Adoption	\$13,553	\$6,776	\$6,776	\$0	\$0
6	Certification	\$18,164	\$9,082	\$9,082	\$0	\$0
TOTAL		\$175,079	\$87,540	\$87,540	\$0	\$0
<ol style="list-style-type: none"> Does not include the estimated \$225,000 spent on Phase I of the LCP Implementation Plan Certification. Budget No. 010-2710 (Community Development Department, Planning Division) and C8002031(Local Coastal Program Plan Implementation) – FY2014-2015 City of Newport Beach Budget. 						

In-kind Services: \$104,683 (Professional staff, administration, postage and shipping)



Budget Summary

	Applicant's Funding	LCP Grant Funding	OPC SFR Grant Funding	Other Funds
Personnel				
Salaries	\$34,414	\$34,414	\$0	\$0
Benefits	\$12,338	\$12,338	\$0	\$0
<i>Total Personnel</i>	<i>\$46,752</i>	<i>\$46,752</i>	<i>\$0</i>	<i>\$0</i>
Consultants				
Community involvement and support	\$30,000	\$30,000	\$0	\$0
<i>Total Consultants</i>	<i>\$30,000</i>	<i>\$30,000</i>	<i>\$0</i>	<i>\$0</i>
Operating Expenses				
Clerical	\$4,675	\$4,675	\$0	\$0
Postage/Shipping	\$915	\$915	\$0	\$0
Printing	\$4,500	\$4,500	\$0	\$0
Travel	\$698	\$698	\$0	\$0
Indirect Costs	\$0	\$0	\$0	\$0
<i>Total Operating Expenses</i>	<i>\$6,113</i>	<i>\$6,113</i>	<i>\$0</i>	<i>\$0</i>
Total Budget	\$87,540	\$87,540	\$0	\$0

Personnel

Position	Salary	Benefits	Total
Planning Program Manager	\$49,172	\$17,839	\$67,011
Systems Admin. Manager	\$17,800	\$6,739	\$24,539
Student Aide	\$1,855	\$97	\$1,952
TOTAL	\$68,827	\$24,676	\$93,503

Supplemental Form A – Coastal Commission LCP Grant Program

1. Public Benefit/Significance

The City of Newport Beach Coastal Land Use Plan won both the Orange County Section and the State American Planning Association awards for comprehensive planning in 2006. It is hoped that a certified LCP Implementation Plan will also serve as an example to other coastal communities. As stated above, the Coastal Zone in Newport Beach is very complex. Very few coastal communities of this size have such an abundance of shorelines, natural areas, recreational opportunities, public access, and viewsheds. Protecting, enhancing, and expanding these resources in the Implementation Plan will present challenges. With the exception of coastal agriculture and energy facilities, the Implementation Plan will need to address every Coastal Act issue. A successful outcome will provide encouragement to other communities to certify or update their LCPs as well as provide an example of how to address coastal issues.

2. Relative Need for LCP Update/Extent of Update

The City has had a certified land use plan since 1982. This plan received a major update in 1990. In 2005, as part of the certification effort mandated by Senate Bill 516, the land use plan was completely rewritten in response to recommendations by the California Coastal Commission staff. This Coastal Land Use Plan (CLUP) was certified by the Coastal Commission in 2005 and was updated in 2009 to reflect land use changes resulting from a comprehensive update of the City's General Plan in 2006.

The Implementation Plan is the next step in the certification process. With the CLUP, the Implementation Plan will govern the use of land and water in the Coastal Zone within the City of Newport Beach and its sphere of influence, with the exception of Newport Coast and Banning Ranch. Pursuant to Senate Bill 516, Newport Coast is governed by the previously certified and currently effective Newport Coast segment of the Orange County Local Coastal Program. Banning Ranch is a deferred certification area due to unresolved issues relating to land use, public access, and the protection of coastal resources.

3. Addressing the Effects of Climate Change

The Certified Coastal Land Use Plan contains policies addressing sea-level rise and other coastal hazards. Specifically, these include:

2.8.3-1. *Require all coastal development permit applications for new development on a beach or on a coastal bluff property subject to wave action to assess the potential for flooding or damage from waves, storm surge, or seiches, through a wave uprush and impact reports prepared by a licensed civil engineer with expertise in coastal processes. The conditions that shall be considered in a wave uprush study are: a seasonally eroded beach combined with long-term (75 years) erosion; high tide conditions, combined with long-term (75 year) projections for sea level rise; storm waves from a 100-year event or a storm that compares to the 1982/83 El Niño event.*

2.8.3-2. *Prepare and periodically update (every 5 years) comprehensive wave uprush and impact reports for shoreline and coastal bluff areas subject to wave action that will be made available to applicants for new development on a beach or coastal bluff property for use in fulfilling the requirement of Policy 2.8.3-1 above.*

2.8.3-3. *Develop and implement shoreline management plans for shoreline areas subject to wave hazards and erosion. Shoreline management plans should provide for the protection of existing development, public improvements, coastal access, public opportunities for coastal recreation, and coastal resources. Plans must evaluate the feasibility of hazard avoidance, restoration of the sand supply, beach nourishment and planned retreat.*

2.8.6-1. *Prepare and periodically update comprehensive studies of seasonal and long-term shoreline change, episodic and chronic bluff retreat, flooding, and local changes in sea levels, and other coastal hazard conditions.*

2.8.6-2. *Continue to monitor beach width and elevations and analyze monitoring data to establish approximate thresholds for when beach erosion or deflation will reach a point that it could expose the backshore development to flooding or damage from storm waves.*

4.4.3-11. *Require applications for new development to include slope stability analyses and erosion rate estimates provided by a licensed Certified Engineering Geologist or Geotechnical Engineer.*

The Implementation Plan will provide regulations and procedures to implement these policies. These include the preparation and periodic update comprehensive studies of seasonal and long-term shoreline change, episodic and chronic bluff retreat, flooding, local changes in sea levels, and other coastal hazard conditions. The Implementation Plan will also require that sea level rise as a factor in wave uprush and impact reports and in slope stability analyses and erosion rate estimate reports.

4. Likelihood of Success/Effectiveness

Phase I of the LCP Implementation Plan certification effort will be completed by the end of 2014. An advisory committee is overseeing the drafting of the final chapters of the Implementation Plan. City staff continues to collaborate with the California Coastal Commission in the drafting of Implementation Plan and this will continue with Task 2B of Phase II.

Task 1 of Phase II provides for a public outreach process. A notice of availability of the draft Implementation Plan will be posted on the City's website and mailed to community associations, affected governmental agencies, and any person requesting a notice. Copies of the Public View Draft of the Implementation Plan will be provided online, at the Newport Beach Civic Center, and at all branches of the Newport Beach Public Library. The City will then conduct a series of community workshops to present the Implementation Plan and receive public comments. Study sessions will also be conducted before the Planning Commission, the Harbor Commission, the Parks, Beaches, and Recreation Commission, and the City Council. In addition to receiving feedback from the community, this process will generate additional support for the certification effort. The grant request includes funding for a community involvement and support consultant to assist the City in building support for the certification of the Implementation Plan.

5. Workload and Permit Streamlining

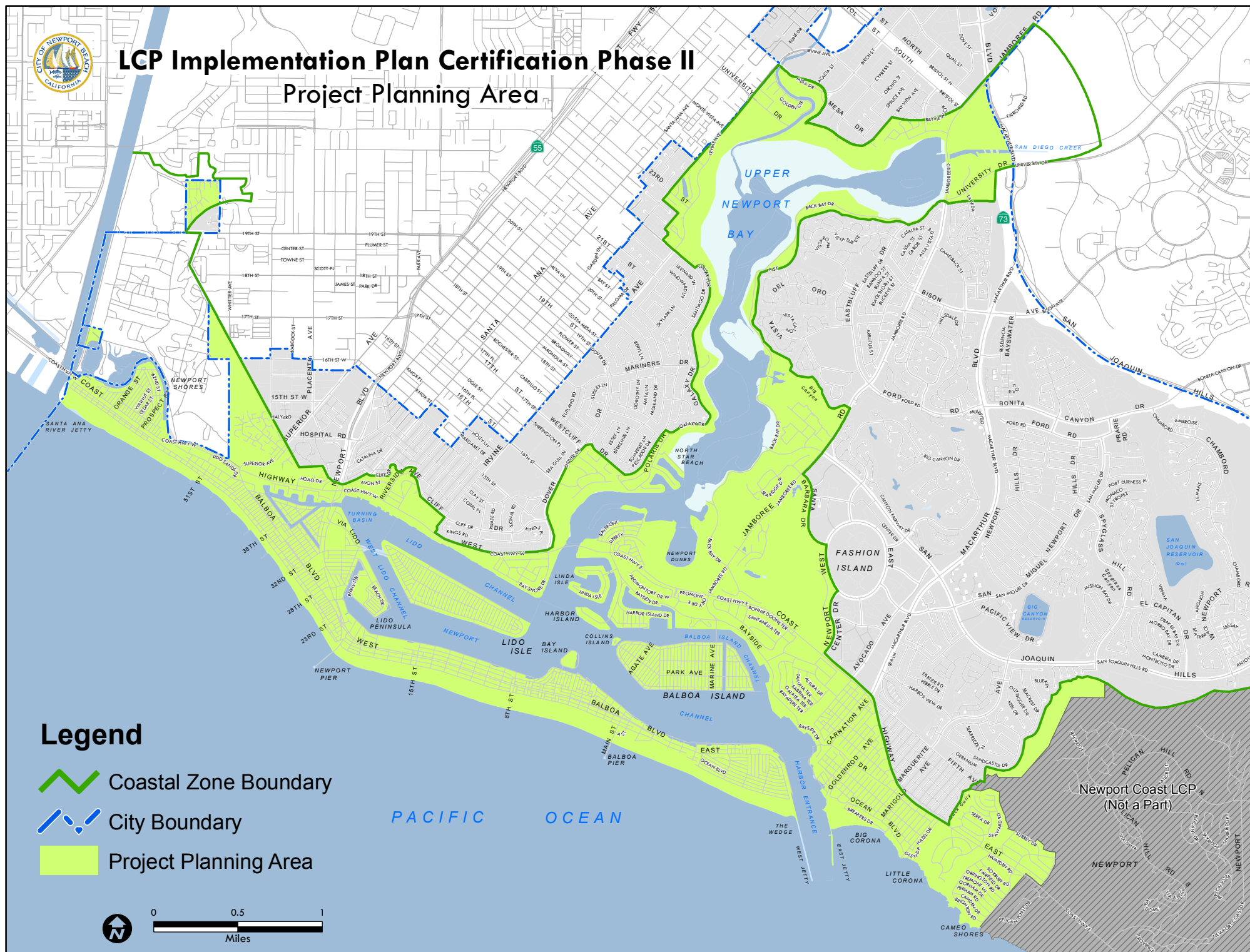
Certification of the Implementation Plan will delegate coastal development permit authority to the City of Newport Beach, thus relieving the South Coast District Office from processing approximately seventy to one hundred (70-100) coastal development permit applications annually. In addition, the South Coast District Office will be relieved from verifying approximately thirty to fifty (30-50) coastal development permit exclusions permitted under Categorical Exclusion Order E-77-5. This will allow the South Coast District Office resources to be shifted to other functions, including the updates of LCPs for other jurisdictions.

6. Project Integration/Leverage/Matching Funds

The City of Newport Beach has already devoted considerable staff resources to the certification effort during 2013-2014 and this will continue in 2015 through 2016. Most notably, twenty-five percent (25%) of the Planning Program Manager position time is slated to LCP Certification. The City also retained a full-time contract planner at an annual

cost of \$125,000.00 to take on assignments that would otherwise be assigned to staff working on LCP certification. The grant will be used to offset this and other staff costs.

In addition, the Fiscal Year 2014-15 Budget earmarks \$75,000.00 towards LCP Certification.



RESOLUTION NO. 2013-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH AUTHORIZING SUBMITTAL OF A GRANT PROPOSAL TO, AND AUTHORITY TO ENTER INTO A CONTRACT WITH, THE CALIFORNIA COASTAL COMMISSION AND DESIGNATING AN AUTHORIZED REPRESENTATIVE

WHEREAS, the Budget Act of 2013 provides an appropriation of \$1 million for Coastal Commission grants in Fiscal Year 13-14 to local governments to support Local Coastal Program (LCP) planning; and

WHEREAS, the California Coastal Commission, under the authority of the California Coastal Act, may provide financial assistance to support coastal planning and has approved a competitive grant program to provide such financial assistance for LCP planning; and

WHEREAS, the goal of the grant program is to develop new or updated LCPs in conformance with the California Coastal Act and to reflect current circumstances and new scientific information, including new understandings and concern for the effects of climate change; and

WHEREAS, grant proposals submitted under this grant program must complete land use plan and/or zoning work to either achieve submittal for certification of a Local Coastal Program (LCP) or an Area of Deferred Certification (ADC) or of an LCP Amendment to significantly update a certified LCP or LCP segments, including special emphasis on effects of climate change and sea-level rise; and

WHEREAS, the City of Newport Beach does not yet have a certified LCP; and

WHEREAS, the City of Newport Beach desires to pursue a project that would result in the completion and submittal for certification by the California Coastal Commission of an Implementation Plan; and

WHEREAS, the City of Newport Beach desires to pursue a project that would result in the completion and submittal for certification of an LCP by the California Coastal Commission and desires to assume permit issuing authority; and

WHEREAS, the City of Newport Beach commits to and agrees to fully support a planning effort intended to complete a certified LCP pursuant to the provisions of the California Coastal Act, with full public participation and coordination with the Coastal Commission staff.

WHEREAS, this authorization is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects that have the potential for causing a significant effect on the environment (Section 15061.b.3 of the CEQA

Guidelines). It can be seen with certainty that there is no possibility that this authorization will have a significant effect on the environment; and therefore, this activity is not subject to CEQA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newport Beach hereby:


1. Directs City of Newport Beach staff to submit the grant application package to the California Coastal Commission to provide financial and planning assistance, under authority of the California Coastal Act, for the certification of the Local Coastal Program.
2. Authorizes Brenda Wisneski, AICP, Deputy Community Development Director of the City of Newport Beach, to execute, in the name of the City of Newport Beach, all necessary applications, contracts and agreements and amendments thereto to implement and carry out the grant application package and any project approved through approval of the grant application.

PASSED AND ADOPTED on the 12th day of November, 2013.



Keith D. Curry, Mayor

ATTEST:



Leilani I. Brown, City Clerk



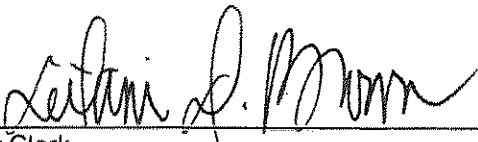
STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2013-83 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 12th day of November, 2013, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Gardner, Petros, Hill, Selich, Henn, Daigle, Mayor Curry

Nays: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 13th day of November, 2013.



City Clerk
Newport Beach, California

(Seal)



APPLICATION CHECKLIST

A complete Grant Application Packet includes the following components. Please submit all documents in a single PDF file and the Project Description, Work Program, Budget, and Schedule as a Word document, as noted below. **It is very important to receive the PDF file and a Word document for efficiency in preparing grant agreement documents.** Thank you for your attention to these important components of the application.

- ☒ Signed Joint Grant Application Form (.pdf)
- ☒ Project Description (.doc)
- ☒ Work Program, Budget, and Schedule (.doc)
- ☒ Signed Resolution(s) (.pdf)
- ☒ Supplemental form(s)
- ☒ All documents combined into a single PDF file (.pdf)